

PROCEEDINGS OF THE HISTORIC CONSERVATION BOARD

MONDAY, JANUARY 12, 2004

3:00 P.M., J. MARTIN GRIESEL ROOM, CENTENNIAL PLAZA II

The Historic Conservation Board met at 3:00 P.M., in the J. Martin Griesel Room, Centennial Plaza II, with members Bloomfield, Kirk, Kreider, Raser, Senhauser, Spraul-Schmidt, and Sullebarger present. Absent: Wallace

MINUTES

The minutes of the Monday, December 22, 2003 meeting were unanimously approved (motion by Sullebarger, second by Bloomfield).

CERTIFICATE OF APPROPRIATENESS AND ZONING VARIANCE, 1829 KEYS CRESCENT LANE, EAST WALNUT HILLS HISTORIC DISTRICT

Mr. Senhauser and Ms. Spraul-Schmidt recused themselves from participating in the Board's review and decision on this request for a Certificate of Appropriateness and zoning variance for the construction of an arbor behind the residence located at 1829 Keys Crescent Lane.

Staff member Caroline Kellam explained that the 10' high arbor will be constructed on existing wood decking next to a pool that is located over 10' below the rear elevation of the house. The design of the arbor will be similar in detail to an existing rear porch. The arbor does not compete with the architecture of the house, will have minimal visibility, and will not require the removal of any trees.

Ms. Kellam stated that the design meets the historic district guidelines; however, a zoning variance for a conditional accessory use is required since the Zoning Code does not allow accessory structures to be over six feet in height.

BOARD ACTION

The Board voted unanimously (motion by Sullebarger, second by Bloomfield, Ms. Spraul-Schmidt and Mr. Senhauser recused) to take the following actions:

1. Approve a Certificate of Appropriateness for the construction of the 10' high arbor as per plans submitted; and
2. Approve a variance from the height requirements in the R-1 zoning district to allow the construction of the arbor measuring 10' in height finding that such relief from the literal implication of the Zoning Code:
 - a. Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the district; and
 - c. Will not be materially detrimental to the public health, safety, and welfare or injurious to the property in the district or vicinity where the property is located.

ZONING VARIANCE, 216 ORCHARD STREET, OVER-THE-RHINE HISTORIC DISTRICT

Mr. William Slone submitted an application requesting an approval of a conditional use for the first floor of the building he owns at 216 Orchard Street. Mr. Slone proposes to

establish a two-family residence in this church building, which is located in a B-4 commercial zoning district. Although there are commercial uses along Sycamore and Main Street, the majority of uses on Orchard Street are residential.

Ms. Spraul-Schmidt stated that this was a particularly good example of the usefulness of the authority that this Board has to approve appropriate conditional uses that require a variance.

BOARD ACTION

The Board voted unanimously (motion by Sullebarger, second by Spraul-Schmidt) to take the following actions:

1. Find that the rehabilitation of this building will remove a blighting influence from the community and will further the aims of historic preservation in the district;
2. Find that the adjacent uses and conditions would not be injurious to the health, safety, or morals of the occupants of the proposed dwelling units;
3. Find that such relief from the literal implication of the Zoning Code:
 - a. Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the district; and
 - c. Will not be materially detrimental to the public health, safety, and welfare or injurious to the property in the district or vicinity where the property is located; and
4. Approve the establishment of a two-family residential use on the first floor of this building at 216 Orchard Street in the Over-the-Rhine Historic District as a conditional use.

**ZONING VARIANCE, 1420 SYCAMORE STREET, OVER-THE-RHINE
HISTORIC DISTRICT**

Architect Frank Russell, on behalf of the owners, Jim Verdin and Dick Duvall, submitted an application for an approval of a conditional use for the first floor of the building located at 1420 Sycamore Street, within the Over-the-Rhine Historic District. The applicant wishes to establish a residential use for the first floor of this building, which is located in a B-4 commercial zoning district. The addition of the residential unit would require no exterior work and would assist in the further success of this multi-use (commercial and residential) building.

BOARD ACTION

The Board voted (motion by Sullebarger, second by Raser, Bloomfield recused) to take the following actions:

1. Find that the construction of an additional residential unit will further the aims of historic preservation in the district;
2. Find that the adjacent uses and conditions would not be injurious to the health, safety, or morals of the occupants of the proposed dwelling unit;
3. Find that such relief from the literal implication of the Zoning Code:

- a. Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the district; and
 - c. Will not be materially detrimental to the public health, safety, and welfare or injurious to the property in the district or vicinity where the property is located; and
4. Approve the establishment of a residential use on the first floor of the building at 1420 Sycamore Street in the Over-the-Rhine Historic District as a conditional use.

PRELIMINARY DESIGN REVIEW, CENTRAL PARKWAY TO 12TH STREET, BETWEEN VINE AND JACKSON STREETS, OVER-THE-RHINE HISTORIC DISTRICT

Urban Conservator Forwood prefaced this preliminary design review of a multi-level parking garage and residential/retail development stating that in addition to the review by the Historic Conservation Board, the Urban Design Review Board must also review the design. They will be reviewing the design at 2:00 p.m. on January 13, 2004. Following these preliminary reviews, both boards will conduct a joint review of the final design.

[Mr. Kreider joined the meeting]

The applicant distributed revisions of the design to the Board.

Ms. Cowden explained that the Historic Conservation Board's responsibility is to review the design for approval of a Certificate of Appropriateness under the historic district guidelines and for compliance with the Zoning Code. The Urban Design Review Board serves in an advisory capacity to the City Manager and reviews project designs for recommendation to City Administration. The project is on an aggressive schedule with construction to commence at the end of March 2004; therefore, the applicant will be submitting the final design soon for the joint review. Ms. Cowden noted that variances would be required whether the project is reviewed under the existing or new Zoning Code.

Representatives of the design team, including Rick Kimbler, Michael Doty, Jerry Tepe, and Rob Thrun with Neyer/R.M. Kimbler Interest, Inc.; E. James Millar, THP Limited; David Kirk, DNK Architects; and Jenifer Briley, of Arquitectonica were present to respond to questions from the Board.

Mr. Kimbler described the project as being a gateway to Over-the-Rhine. He reiterated that they are on an aggressive time schedule since it is to open by March 31, 2005.

Ms. Briley explained details of the project, as well as the rationale for the design, pointing out the challenge of designing the large project (including the 951 space garage and 27 loft apartments) to scale with the architecture in the district. The apartments will front on Vine Street where they divided the façade into three red brick volumes. They mimicked a base, middle and top by utilizing a 4' slate-type material for the base and topping each brick volume by a modern version of a cornice, which splits the brick portions in half. Hardiplank surfaces weave through the residences to emphasize the layering.

The proposed design includes a pre-cast stone-like material for the three façades of the parking garage to imitate the industrial feel of the Art Academy and the Hale Justis

building. The scale of the garage is broken down to respect the neighborhood by dividing it into three (almost) townhouse proportions. In response to Ms. Sullebarger, Ms. Briley stated that they propose a horizontal screen-like metal material (as close to stainless steel as their budget will allow) for the garage openings, inspired by office/loft window shades.

Mr. Raser stated that the proposed 4' slate base and 1' cornice were not proportionately strong enough to adequately interpret the base, middle and top reflected in the district and referenced in the guidelines. He explained that in the Over-the-Rhine Historic District, the base generally encompasses the entire first floor and proportions are more vertical. Ms. Briley said that they intended to create a rhythm reminiscent of the opposite side of the street and that the three bays with windows emphasize verticality. Mr. Kreider and Mr. Bloomfield agreed that the design was not sympathetic to the district in proportions.

Mr. Bloomfield commented that they could mitigate the impact of the presence of the large structure to pedestrians by pulling the structure back from East 12th Street and/or through landscaping, especially at the northeast corner of 12th and Jackson. Ms. Briley replied that the landscape architect had addressed the areas with gardens; however, they were not shown in the designs submitted. In response to Mr. Raser, Mr. Kimbler stated they had considered individual entrances on Vine Street, but decided against it due to environmental conditions. Mr. Senhauser pointed out that there would be a significant amount of three-dimensional relief on those elevations including a number of balconies throughout.

Mr. Senhauser stated that the initial design (included with the staff report) created a system of layers with balcony recesses that emphasized verticality. He explained that by projecting the transparent ground floors through the façade of the residential buildings, the architect had created a successful plaiding of layers. Mr. Senhauser stated by situating the first floor units 4' above the street with some portions set back, they created a successful stoop and achieved a sense of privacy for the units. He pointed out that the building did not need to be replicative and did not need a projecting cornice. The two-story void near the top in combination with the broad railing below and flange above, gave it a "top." What is important is how the residential buildings meet the sky; the designer has done this in a consistent manner.

Ms. Sullebarger acknowledged the sophistication of the initial design, but considered the revised more contextual in terms of materials, height, and massing. She observed that the garage windows were similar to those in the Art Academy and Hale Justis and were therefore appropriate. She suggested they consider concrete or metal in place of the Hardiplank. Ms. Briley replied that they had initially considered using metal, but it was cost prohibitive; she was amenable to the use of concrete. Mr. Kreider agreed with Ms. Sullebarger and voiced his preference for the revised design; however, he pointed out that the square windows were not in the vocabulary of the historic district and that the guidelines emphasize verticality in a proportion of 2:1.

Mr. Senhauser summarized that while the applicant heard various discussion regarding base, middle and top, and about context on the Vine Street facade, there was reasonable agreement regarding the treatment of the facade of the garage. He explained that variances would be a formality and would be conditioned upon the project receiving final approval. Additionally, he suggested adding more three-dimensionality to their presentation to better depict the depth of what advances and what recedes.

Mr. Kreider stated that to be more compatible with the historic district, they should consider something more transparent than a galvanized roll doors for the garage. Additionally, Mr. Senhauser suggested being cognizant of how lighting will affect adjacent areas, particularly apartments in the Hale Justis building.

In response to questions from the Board, Mr. Kimbler stated they are waiting on direction from the City regarding signage and in response to Ms. Spraul-Schmidt, said they are operating under the assumption that they are not required to have a public art component.

In anticipation of the joint review and the Historic Conservation Board acting on a Certificate of Appropriateness, Mr. Kreider suggested assigning the final review authority jointly to a member of the Urban Design Review Board and a member of the Historic Conservation Board.

BOARD ACTION

Because this was a preliminary design review, no action was required by the Board.

REPORT TO THE BOARD, 2960-2968 ANNWOOD AVENUE, EAST WALNUT HILLS HISTORIC DISTRICT

Urban Conservative Forwood presented a staff report written upon the Board's request in response to a letter dated November 19, 2003 from Mr. Rick Donaldson of 2956 Annwood Street. Mr. Donaldson expressed concern for the way the Urban Conservator handled the application for a Certificate of Appropriateness for the new construction of a house at 2960-2968 Annwood Street, in the East Walnut Hills Historic District. A Certificate of Appropriateness and zoning variances were approved by the Board on November 4, 2002.

Among Mr. Donaldson's assertions was that the final plans staff approved were not consistent with those approved by the Board on November 4. Mr. Forwood pointed out there was an inconsistency in the drawings submitted with the staff report presented at the November 4, 2002 meeting. The site plan included in the staff report had not been updated to reflect a change in the garage footprint from 36'-8" to 44'-9" in length; however, the building floor plans and elevations discussed at the November 4, 2002 meeting showed the larger garage. The staff report states that staff approved designs that were consistent with the Board's recommendations and approval.

Mr. Donaldson also raised issues regarding whether the City acted properly in evaluating stormwater documents. He contends that the site plan approved by the Board was not the same plan submitted with the building permit and ultimately approved by the Urban Conservator since the underground drainage system had been removed. Mr. Forwood explained that what was approved by Stormwater Management was an alternative to that underground connection, which could not be worked out with the neighbors.

Mr. Donaldson made accusations that two garages located at 1870 and 1884 Madison Road do not meet the historic guidelines. Project files indicate that the Historic Conservation Board approved the location of the garage at 1870 Madison Road to avoid an existing cistern. Additionally, the Board granted variances to allow the location of the garage at 1884 Madison Road in order to preserve a useable rear yard and mature trees.

Mr. Forwood confirmed that the building permit was approved and the site is being cleared, but construction has not begun. He stated that a grading plan was submitted as

part of the building permit; a preliminary landscaping plan was submitted, but that a final planting plan has not been approved.

Mr. Kreider stated that while the dimensions of the garage were incorrect on the site plan presented at the November 4, 2002 hearing, the Board reviewed and approved the floor plans showing the larger footprint of the garage. He recalled discussions regarding reworking the connection between the house and garage and pointed out that the final approved plans showed the connection revised in a way that was consistent with the Board's discussion.

Ms. Sullebarger stated that changes made after the Board's approval included the addition of two windows on the basement level (south) elevation, which are consistent with the rest of the fenestration; a stairway was added in the rear from the motor court to the yard; and the back porch was enclosed. Mr. Forwood commented that there was also a change on the north elevation of the garage to four evenly spaced windows without shutters. Ms. Sullebarger concluded that the changes were not fundamental and they were all consistent with the guidelines. Mr. Kreider agreed that the changes were consistent with the Board's directives and were natural reactions to the suggested design changes. He pointed out that as the staff report indicated, the changes were not readily visible from the right-of-way with the exception the changes to south elevation of the house, which helped mitigate what would have been a long blank wall.

Mr. Donaldson was present to address the Board. He stated that while he understood the Board's position that some of the changes were appropriate to the neighborhood, the issue was not whether the changes were appropriate, but whether the neighborhood was given the opportunity to participate in public review. He explained that the plans included in the November 4, 2002 staff report were not what they reviewed at the pre-hearing.

Mr. Donaldson also expressed concern with the landscape plan. He explained that the lot has been cleared to within 30' of his property line. He asserted that staff does not have the authority to allow the project to proceed without a landscape plan.

He stated that in addition to being denied the public review process, they were also denied their right to appeal. He explained that they had tried to appeal in July of 2003, but were informed that the window of opportunity had ended as of December 2002. He referred to a notation from the project file made by staff after the November 4 hearing that he said indicated the dimension and setback of the garage was different from what was presented at the November 4 meeting.

Mr. Donaldson believes the City is ignoring neighbors' concerns relative to the potential water problem. He stated that the Board had the opportunity to assure that the water problem did not become worse by virtue of landscaping. Mr. Bloomfield stated that the water issue is a serious issue, but it is not necessarily addressed in a landscape plan, which generally involves specifying planting material. Mr. Donaldson replied that a landscape plan could require additional fill, so the properties would be at equal grade.

Mr. Senhauser stated that Mr. Donaldson could pursue stormwater related issues with the Department of Buildings and Inspections and MSD; however, the Historic Conservation Board has no jurisdiction regarding it, nor, does the Historic Conservation Board have purview in regard to overgrowth and weed trees.

[Mr. Bloomfield left the meeting]

Mr. Kreider stated that the approval given by the Board on November 4, 2002 anticipated additional submittals. An interested party, in an abundance of caution, would need to appeal to preserve their rights to assure that the additional submittals were aesthetically acceptable; the appeal could always be withdrawn. He noted that the Board tries to provide a forum that is conducive to constructive design modifications while stakeholders have the opportunity to discuss the project. Mr. Kreider stated that he did not believe dimensions of the garage were misrepresented; however, he was concerned that a final landscaping plan had not been submitted and specifically how the backyard situation would be addressed.

BOARD ACTION

The Board voted unanimously (motion by Kreider, second by Raser) to take the following actions:

1. Direct the Urban Conservator to work with the Department of Buildings and Inspections and require a landscaping plan be submitted, prior to the project proceeding; and
2. Communicate the receipt of the landscaping plan to Mr. Donaldson, Mr. Stinnett, and Mr. Martin Fryer to allow for their review and input.

UPDATES

Mr. Forwood informed the Board that an appeal on the Board's decision regarding variances for the new construction at 3742 Sachem Avenue would be heard before the Zoning Board of Appeals on February 9, 2004. The appeal regarding the Certificate of Appropriateness would be heard before the Neighborhood and Public Services Committee on February 10, 2004. Mr. Forwood noted that Ms. Cole, who now chairs the Neighborhood and Public Services Committee, is recommending as part of the Zoning Code rewrite that Council no longer hear appeals regarding Certificates of Appropriateness. The Zoning Board of Appeals would likely hear the appeals for Certificate of Appropriateness and Zoning Variances.

Additionally, Mr. Forwood stated that, with the new housing court, building inspectors are going to be more aggressive in ensuring projects are completed. The housing inspectors have indicated that orders against 1890 Madison Road would be pursued to address the ongoing construction issues.

Mr. Forwood stated he had spoken with the Law Department about Mr. Kreider's recommendation that the zoning rewrite include language that would allow B&I inspectors to cite owners under the minimum maintenance provisions of the historic conservation legislation. The Law Department has determined that this is an option under the current language and no change is required.

ADJOURNMENT

As there were no other items for consideration by the Board, the meeting adjourned.

William L. Forwood
Urban Conservator

John C. Senhauser, Chairman

Date: _____